

Exhibit “O”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY,
INC. PRODUCTS LIABILITY MDL No. 2419
LITIGATION

Master Dkt:
1:13-md-02419-RWZ

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THIS DOCUMENT RELATES  
TO:

All Actions

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30(b)(6) VIDEOTAPED DEPOSITION OF
CARMEN LEFFLER

9:08 a.m.
August 21, 2015

Suite 700, Roundabout Plaza
1600 Division Street
Nashville, Tennessee

Blanche J. Dugas, RPR, CCR No. B-2290

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16 Also Present:

17 Timothy Awad, videographer
18
19
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21
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24
25

1 A. Okay. Basically 90 to 95 percent of our
2 medications that we purchase for St. Thomas West or at
3 that time St. Thomas Hospital come from our
4 wholesaler, that's McKesson. The other five -- five
5 to ten percent come directly from -- we can buy
6 directly from a manufacturer or from another
7 wholesaler called Cardinal Specialty, which they're
8 items that are specially products that are usually the
9 higher priced items that usually the wholesaler does
10 not carry because of the price of specialty blood
11 products and things like that we buy from Cardinal,
12 and we buy some things direct from Hospira. We buy
13 from PharMEDium. So we buy differently, but majority
14 of what we buy are -- 90 to 95 percent of everything
15 we're able to buy from our wholesaler.

16 Q. All of that stuff was from FDA regulated
17 drug manufacturers; is that true?

18 A. Yes.

19 Q. And -- and all of the purchases that were
20 made by St. Thomas Hospital were made under the
21 supervision of a licensed pharmacist; is that true?

22 A. Yes.

23 Q. And at any point in time did anyone with
24 the St. Thomas Outpatient Neurosurgical Center talk
25 with anyone in the hospital pharmacy department about

1 purchasing medicines from any compounding pharmacy or
2 NECC in particular?

3 A. Not that I am aware of.

4 Q. If -- if someone with the St. Thomas
5 Outpatient Neurosurgical Center had contacted you and
6 asked you for guidance about whether it was
7 appropriate to buy medicine in bulk from NECC without
8 using patient-specific prescriptions, would you have
9 approved that conduct?

10 MS. PUIG: Object to form.

11 MR. TARDIO: Object to the form.

12 MS. PUIG: Go ahead.

13 Q. (By Mr. Nolan) You can go ahead and
14 answer.

15 A. Okay. So can I ask you whether you're
16 talking about before the incident or after the
17 incident?

18 Q. If before the incident someone from St.
19 Thomas Outpatient Neurosurgical Center had contacted
20 you and told you that they intended to buy medicine
21 from NECC in bulk without patient-specific
22 prescriptions, would you have approved that conduct?

23 MS. PUIG: Object to form. Go ahead.

24 THE WITNESS: Okay. I would have had
25 to done -- I would have had to research it

1 policies; is that true?

2 A. Correct.

3 Q. Have you ever evaluated a compounding
4 pharmacy?

5 A. No.

6 Q. Have you ever visited one?

7 A. No.

8 Q. Do you know whether St. Thomas Hospital has
9 ever evaluated a compounding pharmacy?

10 A. St. Thomas Hospital?

11 Q. Yeah.

12 A. No.

13 Q. Meaning you don't know?

14 A. Not that I'm aware of. Sorry.

15 Q. So it has never -- St. Thomas Hospital, to
16 your knowledge, has never evaluated a compounding
17 pharmacy?

18 A. Exactly.

19 Q. If someone in the hospital pharmacy
20 department became aware that St. Thomas Outpatient
21 Neurosurgical Center was purchasing medicine from
22 NECC, would you have expected that person to notify
23 Mr. Kelvas, the pharmacy director?

24 MS. PUIG: Object to form. Go ahead
25 and answer.

1 THE WITNESS: Would I have expected
2 someone to do that?

3 Q. (By Mr. Nolan) Uh-huh (affirmative).

4 MS. PUIG: Same objection. Answer.
5 Go ahead.

6 THE WITNESS: I mean, honestly, I
7 have not thought of that, to be quite
8 honest with you, and I would say I'm just
9 not really sure that that would be our
10 place to do that because we don't supply
11 pharmaceuticals to STOPNC.

12 Q. (By Mr. Nolan) As a licensed pharmacist
13 and someone who works at the hospital, does it concern
14 you to know now as we sit here today that St. Thomas
15 Outpatient Neurosurgical Center, which is located on
16 the 9th floor of one of the buildings on the St.
17 Thomas Hospital campus, was purchasing as many as 500
18 vials a month of MPA from New England Compounding
19 Center without patient-specific prescriptions?

20 MS. PUIG: Object to form.

21 MR. TARDIO: Object to the form.

22 Q. (By Mr. Nolan) Does that concern you?

23 MS. PUIG: Same objection.

24 THE WITNESS: I mean, I think that's
25 hard for me to answer in lieu of everything

1 context or some information or if I move topics and
2 you don't follow me, just tell me; okay?

3 A. (Witness nods head affirmatively.)

4 Q. One thing I wanted to confirm, and I think
5 you told me earlier -- told us earlier is you didn't
6 tell anyone at STOPNC about Marty Kelvas's instruction
7 to you and the staff not to buy from NECC; is that
8 true?

9 A. That's correct.

10 Q. And to your knowledge, Marty Kelvas did not
11 tell anyone at STOPNC about the instruction not to buy
12 from NECC or compounding pharmacy?

13 A. I'm not personally aware of anything.

14 Q. Okay. You, as -- well, tell me or tell us
15 again, what was your formal title in 2012.

16 A. Manager of operations.

17 Q. As manager of operations you were not
18 responsible for purchasing medications for STOPNC;
19 right?

20 A. That is correct.

21 Q. In 2012; true?

22 A. That is true.

23 Q. Okay. And your department wasn't
24 responsible for purchasing medications for STOPNC,
25 true, in 2012?

1 A. Correct.

2 Q. Do you have any recollection of any time
3 that anyone at STOPNC called you and asked you for
4 advice on purchasing medications?

5 A. Correct.

6 Q. Do you have any recollection of that?

7 A. No. I have no -- no. I'm sorry.

8 Q. That's okay.

9 A. I have no recollection of anyone calling me
10 personally to ask that question.

11 Q. Okay. Would that have been an unusual
12 thing to occur, that somebody from an -- outside the
13 hospital would call you for an advice on buying?

14 MR. NOLAN: Object to the form.

15 Q. (By Mr. Tardio) Did that ever happen? I
16 mean, I know it didn't happen with STOPNC. You don't
17 remember it happening with STOPNC. Is that something
18 that would happen?

19 A. That's what I'm saying. I do not recall
20 anybody asking me.

21 Q. Uh-huh (affirmative).

22 A. Again, I don't have that recall. And I
23 wouldn't see any reason why anybody would, but...

24 Q. Was one of your job duties to be a resource
25 for joint ventures?

DISCLOSURE

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia which states: "Each court reporter shall tender a disclosure form at the time of the taking of the deposition stating the arrangements made for the reporting services of the certified court reporter, by the certified court reporter, the court reporter's employer or the referral source for the deposition, with any party to the litigation, counsel to the parties, or other entity. Such form shall be attached to the deposition transcript," I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of Discovery Litigation Services, LLC. Discovery Litigation Services, LLC was contacted to provide court reporting services for the deposition. Discovery Litigation Services, LLC will not be taking this deposition under any contract that is prohibited by O.C.G.A. 9-11-28(c).

Discovery Litigation Services, LLC has no contract/agreement to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition.

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Blanche J. Dugas
CCR No. B-2290

1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3
4 I hereby certify that the foregoing
5 transcript was reported, as stated in the
6 caption, and the questions and answers
7 thereto were reduced to typewriting under
8 my direction; that the foregoing pages
9 represent a true, complete, and correct
10 transcript of the evidence given upon said
11 hearing, and I further certify that I am
12 not of kin or counsel to the parties in the
13 case; am not in the employ of counsel for
14 any of said parties; nor am I in any way
15 interested in the result of said case.

16
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20 BLANCHE J. DUGAS, CCR-B-2290
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CAPTION

The Deposition of CARMEN LEFFLER, taken in the matter, on the date, and at the time and place set out on the title page hereof.

It was requested that the deposition be taken by the reporter and that same be reduced to typewritten form.

It was agreed by and between counsel and the parties that the Deponent will read and sign the transcript of said deposition.

1 CERTIFICATE

2 STATE OF GEORGIA

3 COUNTY OF FULTON

4 Before me, this day, personally appeared,
5 CARMEN LEFFLER, who, being duly sworn, states that the
6 foregoing transcript of her deposition, taken in the
7 matter, on the date, and at the time and place set out
8 on the title page hereof, constitutes a true and
9 accurate transcript of said deposition.

10

11 _____

12 CARMEN LEFFLER

13

14 SUBSCRIBED and SWORN to before me this
15 _____ day of _____, 20____ in the
16 jurisdiction aforesaid.

17

18 _____

19 My Commission Expires _____ Notary Public

20

21 *If no changes need to be made on the following two
22 pages, place a check here _____, and return only this
23 signed page.*

24

25

DEPOSITION ERRATA SHEET

Page and line	Change to	Reason for change
GLOBAL	"St. Thomas Health" should be "Saint Thomas Health"	Transcription error
GLOBAL	"St. Thomas Network" should be "Saint Thomas Network"	Transcription error
GLOBAL	"St. Thomas West" should be "Saint Thomas West"	Transcription error
GLOBAL	"St. Thomas Entities" should be "Saint Thomas Entities"	Transcription error
8/11	Add "[Correction: witness recalls a prior deposition.]"	Misspoke
10/15	"compounding" should be "medications"	Misspoke
21/7	Add "I need" in between "I guess" and "a little bit"	Clarification
21/8	Insert quotation marks around "discussed it"	Clarification
46/25	Change "generalization" to "generalized"	Transcription error or misspoke
57/8	Change "thing" to "watch"	Misspoke
57/10	Insert "director" after "became"	Transcription error or misspoke
61/6	Change "vendors" to "vendor shows"	Misspoke
85/14	Remove "currently"	Misspoke
85/24	Remove "currently"	Misspoke
95/3	Change "there's my names on a lot of vendors" to "many vendors have my name"	Clarification
100/13	Change "Why" to "What"	Transcription error or misspoke
106/25	Change "lieu" to "light"	Transcription error or misspoke
107/21	Change "compounding" to "compounder"	Transcription error or misspoke
108/5	Change "stipulations" to "regulations"	Misspoke

SIGNATURE: Carmen Leffler DATE: 9-23-15

1 DEPOSITION ERRATA SHEET

2

3 DLS Assignment No. 23347

4 Case Caption: In Re: New England Compounding

5 Pharmacy, Inc. Products Liability

6 Litigation

7

8 Witness: CARMEN LEFFLER - 08/21/2015

9

10 DECLARATION UNDER PENALTY OF PERJURY

11 I declare under penalty of perjury that I have read

12 the entire transcript of my deposition taken in the

13 captioned matter or the same has been read to me, and

14 The same is true and accurate, save and except for

15 changes and/or corrections, if any, as indicated by me

16 on the DEPOSITION ERRATA SHEET hereof, with the

17 understanding that I offer these changes as if still

18 under oath.

19

20 Signed on the 23 day of

21 September, 2015.

22

23 Carmen Leffler

24 CARMEN LEFFLER

25